

AMENDED IN SENATE MAY 4, 2009

SENATE BILL

No. 333

Introduced by Senator Hancock
(Coauthor: Senator Pavley)

February 25, 2009

An act to add Part 8 (commencing with Section 38600) to Division 25.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 333, as amended, Hancock. Voluntary Greenhouse Gas Emission Offset Program Fund.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions ~~levels~~ *level* in 1990 to be achieved by 2020.

This bill would create the Voluntary Greenhouse Gas Emission Offset Program Fund, and would provide that funds received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions be deposited in this fund. The moneys in the fund would be available, upon appropriation, for expenditure by the *Natural* Resources Agency for specified projects *through a competitive grant process*. The bill would require that moneys from the fund be directed to the California Conservation Corps and local conservation corps for specified projects. The *Natural* Resources Agency would be required, by October 1, ~~2010~~

2012, to adopt guidelines for the distribution of moneys from the fund and to develop strategies for the sale of voluntary greenhouse gas emission offsets by the state and other opportunities for contributions by the public to the Voluntary Greenhouse Gas Emission Offset Program Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) The enactment of the California Global Warming Solutions
4 Act of 2006 (Division 25.5 (commencing with Section 38500) of
5 the Health and Safety Code) requires the creation of greenhouse
6 gas emission limits and measures which, along with other
7 legislative and administrative initiatives, will lead to significant
8 reductions in the level of greenhouse gases emitted in California.
- 9 (b) California sponsors education and incentive programs for
10 residences and businesses to reduce energy use, and has encouraged
11 increased commercial and residential recycling and other
12 environmentally sound practices.
- 13 (c) Change in personal habits and lifestyles to reduce
14 dependence on greenhouse gas-emitting energy production is
15 critical to efforts to address climate change.
- 16 (d) California has a longstanding commitment to wind and solar
17 energy. Increased development of, and accessibility to, alternative
18 sources of energy remain important. Continued research is essential
19 to making alternative energy more attractive to business and
20 residential users.
- 21 (e) Public confidence in verifiable mitigation efforts is an
22 important component to any greenhouse gas emission reduction
23 effort and providing a public option combined with a youth
24 development and skills program integral to the projects would give
25 donors the assurance that funds invested are being spent on the
26 projects promised.
- 27 (f) It is the intent of the Legislature that businesses, industries,
28 and the general public have an opportunity to reduce the impact
29 of their “carbon footprint” by donating money to a state fund
30 dedicated to recognized environmental efforts at reducing the

1 effects of greenhouse gas emissions and energy consumption on
2 the environment.

3 (g) This act creates a Voluntary Greenhouse Gas Emission
4 Offset Program Fund to receive, on behalf of the State of
5 California, funds from federal, state, and regional sources as well
6 as private donations to be invested in environmentally sound
7 greenhouse gas emission offset projects. These projects would also
8 provide opportunities for youth and adults to learn career skills
9 leading to further education or employment opportunities.

10 SEC. 2. Part 8 (commencing with Section 38600) is added to
11 Division 25.5 of the Health and Safety Code, to read:

12
13 PART 8. VOLUNTARY GREENHOUSE GAS EMISSION
14 OFFSET PROGRAM FUND
15

16 38600. The Voluntary Greenhouse Gas Emission Offset
17 Program Fund is hereby created in the State Treasury. Funds
18 received by the state on a voluntary basis from the federal
19 government, individuals, businesses, organizations, industry, or
20 other sources for the mitigation of climate change impacts related
21 to greenhouse gas emissions shall be deposited in the fund for
22 expenditure in accordance with this part.

23 38601. (a) Upon appropriation by the Legislature, moneys in
24 the Voluntary Greenhouse Gas Emission Offset Program Fund
25 may be expended by the ~~Resources Agency~~ *Natural Resources*
26 *Agency through a competitive grant process* for all of the following
27 purposes:

28 (1) Projects that reduce greenhouse gas emissions, meeting
29 protocols approved by the state board. As protocols are adopted
30 by the state board, the scope of projects may expand into new
31 areas.

32 (2) Projects to protect public trust resources and natural systems
33 from unavoidable impacts of climate change.

34 (3) Urban greening projects, including urban forestry projects.

35 (b) All approved projects shall involve collaboration with the
36 California Conservation Corps, local conservation corps, nonprofit
37 conservancy organizations, urban forestry nonprofit organizations,
38 or other nonprofit organizations. All projects shall have an
39 education and skills development component to further education
40 or employment opportunities.

1 38602. (a) Upon appropriation by the Legislature, moneys in
2 the Voluntary Greenhouse Gas Emission Offset Program Fund
3 shall be directed by the *Natural* Resources Agency to the California
4 Conservation Corps and local conservation corps for the planting
5 and maintenance of trees and plants in accordance with the
6 protocols established by the state board as having mitigating effects
7 on global warming, or other identified projects consistent with
8 protocols adopted by the state board. The forestation projects may
9 be conducted on public lands, parks, and lands identified as open
10 space or in conservation trusts. The California Conservation Corps
11 and the local conservation corps may collaborate with schools,
12 community organizations, and businesses to maximize the offset
13 efforts in the state.

14 (b) Moneys may also be directed to nonprofit conservancy
15 organizations, urban forestry nonprofit organizations, and other
16 nonprofit organizations for the planting and maintenance of trees
17 and plants in accordance with the protocols established by the state
18 board as having mitigating effects on global warming, or other
19 identified projects consistent with protocols adopted by the state
20 board. The forestation projects may be conducted on public lands,
21 parks, and lands identified as open space or in conservation trusts.

22 38603. The *Natural* Resources Agency shall adopt by October
23 1, ~~2010~~ 2012, guidelines for the distribution of moneys pursuant
24 to this part. The guidelines shall include requirements for grant
25 applicants and the basis for selection criteria for the education and
26 skills components required of all projects. The education and skills
27 component shall be related to the adopted protocols, including,
28 but not limited to, soil conservation, forestation, afforestation, and
29 reforestation. The education and skills component may vary from
30 project to project and may vary by grantee.

31 38604. (a) The *Natural* Resources Agency shall develop, by
32 October 1, ~~2010~~ 2012, strategies for the sale of voluntary
33 greenhouse gas emission offsets by the state, including online
34 sales, and other opportunities for contributions by the public to
35 the Voluntary Greenhouse Gas Emission Offset Program Fund.
36 As soon as practicable, these sale and contribution opportunities
37 shall be made available to the general public.

38 (b) The state board, in collaboration with the *Natural* Resources
39 Agency, may use any appropriate system to determine the value
40 of any greenhouse gas emission offsets that are sold by the state

1 for the purposes of this part. All proceeds from these sales shall
2 be deposited in the Voluntary Greenhouse Gas Emission Offset
3 Program Fund.

4 38605. *The offset program developed pursuant to this part*
5 *shall ensure that greenhouse gas emission reductions are both of*
6 *the following:*

7 (a) *Real, permanent, quantifiable, verifiable, and enforceable*
8 *by the state board.*

9 (b) *In addition to any greenhouse gas emission reductions*
10 *otherwise required by any law or regulation, and any other*
11 *greenhouse gas emission reductions that otherwise would occur.*